

05-31-05

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2611



PATENTS
UV-48

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re : Michael D. Ellis
application of

Application No. : 09/262,870 Confirmation No. : 1124

Filed : March 4, 1999

For : PROGRAM GUIDE SYSTEM WITH
VIDEO-ON-DEMAND BROWSING

Group Art Unit : 2611

Examiner : Hunter B. Lonsberry

Mail Stop AF
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed January 26, 2005 in which the rejection of claims 1-26, 50-74, 98-122 and 146-157 was made final.

[] Applicant respectfully requests an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

06/01/2005 AWONDAF1 00000125 061075 09262870

01 FC:1401 500.00 DA
02 FC:1251 120.00 DA

Address all correspondence to:

Adam M. Saltzman
Fish & Neave IP Group
Ropes & Gray LLP
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

- A check in the amount of [] \$330.00 [] \$660.00 in payment of the [] appeal fee, [] appeal and oral hearing fees, is enclosed.
- Please charge \$330.00 [] \$660.00 in payment of the appeal fee, [] appeal and oral hearing fees, to Deposit Account No. 06-1075, Order No. 003597-0048.
- The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

EXTENSION FEE

- The following extension is applicable to the Notice of Appeal filed herewith; \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); [] \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- Pursuant to 37 C.F.R. § 1.136(a), applicant hereby petitions for a one-month extension of time; [] two-month extension of time; [] three-month extension of time; [] four-month extension of time; [] five-month extension of time to file a Notice of Appeal to the Office Action dated January 26, 2005. With the extension, the time for filing a Notice of Appeal is extended up to and including May 26, 2005.

[] A check in the amount of [] \$120.00; [] \$450.00; [] \$1,020.00; [] \$1,590.00; [] \$2,160.00 in payment of the extension fee is transmitted herewith.

- [X] Please charge the [X] \$120.00; [] \$450.00; [] \$1,020.00; [] \$1,590.00; [] \$2,160.00 extension fee to Deposit Account No. 06-1075, Order No. 003597-0048. A duplicate copy of this transmittal letter is transmitted herewith.
- [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. 003597-0048. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Adam Saltzman

Adam M. Saltzman
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EXPRESS MAIL CERTIFICATION

Express Mail Label No. EV132196955US

Date of Deposit: May 26, 2005

I hereby certify that this certification and the
following paper:

1. Notice of Appeal (in duplicate)

are being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 C.F.R.
§ 1.10 on the date indicated above and are addressed to Mail
Stop AF, Hon. Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Name: Denee Kesselman